

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 21, 1998
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Land, Mann, Pennino, Warner and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, City Engineer Prima,
Community Development Director Bartlam, Human Resources Director Narloch,
City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Reverend Fleming Kelley, First United Methodist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Christina Wright with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Vikramjit Gill from Tokay High School, and the Honorary Mention Teen of the Month, Ryan Berg from Tokay High School. Further, Ms. Wright acknowledged Thu Tran, the December Teen of the Month recipient, and Wendy Maxwell, the December Honorary Mention Teen of the Month.
- b) Mayor Sieglock introduced and acknowledged the following award recipients who were recently recognized at the Lodi District Chamber of Commerce Annual Dinner:
 - Frank M. Sasaki, 1997 Outstanding Citizen of the Year Award;
 - Nick Cassesi, 1997 Deanna Enright Volunteer of the Year Award; and
 - Vicky Van Steenberg and Kevin Van Steenberg representing Lodi Iron Works as the Jim Pinkerton 1997 Industry of the Year Award.

The following were also recognized, but were unable to attend the meeting.

- Bruce Sasaki, 1997 Outgoing Chamber President;
- Gail Kautz, 1998 Agribusiness Person of the Year Award; and
- Lance Finis Newhall, 1997 Ray C. Hirning Street Faire Volunteer of the Year Award.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Sieglock, Land second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$2,514,591.01 and Disbursements Through Wire Transfer in the amount of \$2,450,162.42.

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- b) The minutes of January 7, 1998 (Regular Meeting) were approved as written.
- c) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.
- d) Authorized the Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City Credit Card for Police Chief Hansen.
- e) Approved the specifications for a top dresser (soil spreader) and authorized advertising for bids.
- f) Approved the specifications for 20,000 feet of #2/0 jacketed 15 kV concentric neutral underground primary conductor for the Electric Utility Department and authorized advertising for bids.
- g) Approved the specifications for 1998 Sidewalk Repair Program and Miscellaneous Concrete Work and authorized advertising for bids.
- h) Adopted Resolution No. 98-09 approving the purchase of a photocopier for the Public Works Department Municipal Service Center from Business Office Systems, of Stockton, in the amount of \$9,540.19 and appropriated funds in accordance with staff recommendation.
- i) Adopted Resolution No. 98-10 awarding the bid for the purchase of eleven polemount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:

Cooper Power, Milwaukee, WI	3 ea. 25kVA CP	\$1,929.80
	5 ea. 37.5kVA CP	<u>\$3,905.94</u>
		\$5,835.74

Kuhlman Electric, Versailles, KY	3 ea. 100kVA Conv.	\$4,021.23
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- j) Adopted Resolution No. 98-11 awarding the bid for the purchase of 24 padmount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:

Howard Industries, Laurel, MS	10 ea. 50kVA 1Ø	\$13,145.50
	10 ea. 75kVA 1Ø	\$15,634.53
	2 ea. 150kVA 3Ø	<u>\$ 9,010.06</u>
		\$37,790.09

Western States Electric, Portland, OR	1 ea. 500 kVA 3Ø	\$ 8,754.69
	1 ea. 1500kVA 3Ø	<u>\$16,722.80</u>
		\$25,477.49

- k) Adopted Resolution No. 98-12 awarding a contract to produce and deliver printed envelopes, as required by the City during calendar year 1998, to the 1997 contract, Envelope Products Company of Vallejo, in the amount of \$15,554.74.
- l) Accepted improvements under the "Signal Modifications, Various Locations" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.

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- m) Received report regarding dust control for construction projects.
 - n) Adopted Resolution No. 98-13 authorizing the City Manager to approve the Power Supply Contract between the City of Lodi and Pacific Coast Producers, Inc. (PCP).
 - o) Adopted Resolution No. 98-14 authorizing the City Manager to provide a Public Benefits Charge (PBC) Grant in the amount of \$125,000 to Pacific Coast Producers, Inc. (PCP).
 - p) Adopted Resolution No. 98-15 authorizing the City Manager to execute a professional services contract with Power Engineers, Inc. for the project design of the 230/60kV Interconnect Substation and associated transmission facilities. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
 - q) Adopted Resolution No. 98-16 approving stipulations and assurances required by the San Joaquin County Council of Governments for the Measure K Noncompetitive Bicycle Projects, and authorized the City Manager to sign all claim forms for these funds.
 - r) Adopted Resolution No. 98-17 approving the class specification and salary range for Senior Human Resources Analyst.
 - s) Agenda item #E-19 entitled, "Approve Broker of Record for employee benefits" was removed from the agenda and discussed and acted upon following the Regular Calendar.
 - t) Adopted Resolution No. 98-19 approving destruction of certain files retained by the City Clerk's office.
 - u) Retained the services of Insurance Consulting Associates, Inc. for General Liability Claims Administration.
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6. PUBLIC HEARINGS

None.

7. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Warner, Land second, unanimously rejected the following claims:
 - 1. Tony Catelli, date of loss 6/8/97
 - 2. Kathryn Clark, date of loss 7/19/97
 - 3. Donald Cantaloupi, date of loss 11/14/96
 - 4. Richard Janecky, date of loss 10/31/97
- b) City Clerk Reimche read the following ABC License:
 - 1. Lidia F. Gutierrez to Lidia F. and Otilia F. Gutierrez, Ritmos, 112 South Cherokee Lane, Lodi, On-Sale Beer and Wine, Exchange License

- c) The City Council, on motion of Council Member Land, Sieglock second, unanimously directed the City Clerk to post for the following vacancy:

East Side Improvement Committee

Colleen Dixon Term to expire March 1, 2000

- d) The City Council, on motion of Council Member Warner, Land second, unanimously concurred with the following appointment:

East Side Improvement Committee

Jane Lea Term to expire March 1, 1999

8. **REGULAR CALENDAR**

- a) Agenda item #H-1 entitled, "Review of City Code Pertaining to Alcoholic Beverages and City Sidewalk Encroachments for Seating".

City Engineer Prima informed the City Council that staff has received a request from Mr. Fred Reynolds, owner and operator of Fred's Puff-N-Stuff and Stogies Lounge, to establish an outdoor seating area on Pine Street fronting these businesses. Because Stogies serves alcoholic beverages, the State Alcoholic Beverage Control requires that the area be fenced. However, Lodi Municipal Code §9.04.010 only permits such fencing and serving of alcohol at locations of "bona fide eating establishments". To allow this use, the Code would need to be changed. While staff does not recommend a change, staff sees three alternatives for changing the Code to accommodate the request should the Council wish to do so:

1. Do nothing and leave the ordinance as it currently exists;
2. Modify the restriction limiting locations to include "smoking lounges" or "retail tobacco" stores; or
3. Eliminate the location restriction. This would allow practically all uses, including bars, to have outdoor seating.

The second alternative takes care of Mr. Reynold's specific request; however, staff is concerned about having to draw distinctions between this case and other businesses that may wish to pursue these lines of business in addition to their existing business. The third alternative, while eliminating the distinction, may lead to an excess of sidewalk "bars". In either alternative, adding the requirement of obtaining a use permit is recommended. This would provide a degree of public notice, review, and conditions not provided by the encroachment permit process. Recognizing the potential controversial nature of this change, staff has brought this matter to the Council for preliminary discussion and direction.

This entire issue is related to the new State law prohibiting smoking in bars. Staff anticipates receiving requests for sidewalk encroachments for benches and other outdoor uses, excluding consumption of alcohol, to accommodate smokers. The City's encroachment ordinance does not specifically address this use, only in that "encroachments" require a permit issued by the Public Works Director. In the past, staff has brought such seating requests to the Council.

Discussion followed with questions regarding the matter being directed to City Engineer Prima and Community Development Director Bartlam.

Addressing the City Council regarding the matter was Allen Goldberg, 912 Evert Court, Lodi, who stated that he supported the request of Mr. Fred Reynolds, owner and operator of Fred's Puff-N-Stuff and Stogies Lounge to establish an outdoor seating area on Pine Street fronting these businesses. Mr. Goldberg stated that he is active in the Lodi Downtown Business Association and the Downtown Lodi Business Improvement Area, however, he was not speaking on their behalf.

Additional discussion followed with the suggestion being made that perhaps it would be well to inquire as to what the Lodi Downtown Business Association, the Downtown Lodi Business Improvement Area and the Chamber of Commerce feelings are regarding this request.

The City Council, on motion of Council Member Pennino, Warner second, unanimously referred the matter back to staff for additional review, requesting that it be brought back to the City Council at a later date.

b) Agenda item #H-2 entitled, "Consider procedure for filling of Council vacancy".

Deputy City Manager Keeter introduced the matter relating that Council Member Dave Warner has recently been appointed as a Lodi Municipal Court Judge and will vacate his Council seat effective February 9, 1998 when he is sworn into office. This will result in one vacant position on the Council which may be filled by either Council appointment or by a special election. Council has indicated that it will be more prudent to appoint an interim Council Member and thus seek applications from interested citizens.

Council Members will review information provided by the candidates prior to making the appointment. The selected candidate will serve the remainder of the term which expires after the November 1998 election.

Following a lengthy discussion with questions being directed to Mrs. Keeter, the City Attorney and the City Clerk, the City Council, on motion of Council Member Mann, Land second, unanimously agreed to appoint an interim Council Member, rather than hold a special mid-term election.

The City Council directed the City Clerk to initiate an application process commencing January 22, 1998. The application period will close at 5:00 p.m., February 6, 1998. Candidates are to schedule appointments with the City Clerk prior to picking up the application packet to allow Mrs. Reimche to meet with the applicants and familiarize them with the necessary documentation. When the paper work is completed, the applicant will make another appointment with Mrs. Reimche to review the submitted documents to ensure that they are in order.

Following the February 6, 1998 deadline, the City Clerk will provide Mayor Sieglock, Mayor Pro Tempore Land, and Council Members Mann and Pennino with copies of the applicants' applications. The four aforementioned members of the City Council will then rank the applicants, and advise Mrs. Reimche of their ranking order.

Any candidate who is in the top three picks will be a finalist. The City Clerk will then advise the aforementioned City Council Members of the outcome. Finalists will be publicly interviewed at an open meeting of the City Council, and a final selection will be made thereafter.

- c) Agenda item #H-3 entitled, "Discussion regarding increasing City Manager's salary".
Following a brief introduction by Mayor Sieglock and a review of the legal requirements by the City Attorney as it pertains to City Council action on this item, the City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 98-20 approving a 3-1/2% salary increase for the City Manager effective January 1, 1998.

9. RECESS

Mayor Sieglock called for a ten-minute recess and the City Council meeting reconvened at approximately 8:15 p.m.

10. ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-19 entitled, "Approve Broker of Record for employee benefits".

Human Resources Director Narloch informed the City Council that City staff has reviewed proposals submitted by firms for the employee benefit plan administration services. Staff presented these findings to the City Council during the Shirtsleeve Session on Tuesday, January 20, 1998. City Manager Flynn stated that it was his recommendation that he be authorized to execute an agreement within the next 30 days with Mid-Central Valley Insurance Company to be the City's broker of record for employee benefits and administration services at a cost of \$49,250 for a period of one year. Further, at the end of the year, should it be determined that Mid-Central Valley Insurance Company's services are not satisfactory, the City Council authorize the City Manager to execute an agreement with Total Benefits Solutions, TBS in the amount of \$40,000.

A very lengthy discussion followed with questions being directed to the City Manager and the Human Resources Director.

Council Member Mann made a motion that the City Council approve the City Manager's recommendation regarding this matter. The motion was seconded by Mayor Sieglock, but failed by the following vote:

Ayes: Council Members - Mann and Sieglock (Mayor)

Noes: Council Members - Land, Pennino and Warner

Absent: Council Members - None

Discussion followed with Council Member Warner indicating his concern with the recommended action. Council Member Land also voiced a number of concerns that he had regarding the matter.

Several other motions were made including rejection of the proposals to allow time to come up with clearer guidelines. These motions died for lack of a second.

Following additional discussion and questions being directed to staff, the City Council approved the City Manager's original recommendation that he be authorized to execute an agreement within the next 30 days with Mid-Central Valley Insurance Company to be the City's broker of record for employee benefits and administration services at a cost of \$49,250 for a period of one year. Further, at the end of the year, should it be determined that Mid-Central Valley Insurance Company's services are not satisfactory, the City Council authorized the City Manager to execute an agreement with Total Benefits Solutions, TBS in the amount of \$40,000. The motion carried by the following vote:

Ayes: Council Members - Land, Mann and Sieglock (Mayor)

Noes: Council Members - Pennino and Warner

Absent: Council Members - None

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11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

None.

14. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Kelly Roberts against City of Lodi based on vehicle accident/personal injury
- b) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding International Brotherhood of Electrical Workers (IBEW) pursuant to Government Code §54957.6
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding United Firefighters of Lodi (UFL) pursuant to Government Code §54957.6

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 9:15 p.m., and Mayor Sieglock disclosed the following actions:

No final action was taken in these matters.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 9:15 p.m.

ATTEST:

Alice M. Reimche
City Clerk